



General Assembly

January Session, 2009

***Amendment***

LCO No. 8225

**\*SB0056908225SD0\***

Offered by:  
SEN. MEYER, 12<sup>th</sup> Dist.

To: Subst. Senate Bill No. 569

File No. 997

Cal. No. 355

***"AN ACT CONCERNING ENHANCEMENTS TO THE INLAND  
WETLANDS AND WATERCOURSES ACT."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 22a-40 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2009*):

6 (a) The following operations and uses shall be permitted in  
7 wetlands and watercourses, as of right:

8 (1) Grazing, farming, as described in section 1-1, nurseries,  
9 gardening [and harvesting of crops] and farm ponds of three acres or  
10 less essential to the farming operation, and activities conducted by, or  
11 under the authority of, the Department of Environmental Protection  
12 for the purposes of wetland or watercourse restoration or  
13 enhancement or mosquito control. The provisions of this subdivision  
14 shall not be construed to include road construction or the erection of

15 buildings not directly related to the farming operation, relocation of  
16 watercourses with continual flow, filling or reclamation of wetlands or  
17 watercourses with continual flow, clear cutting of timber except for the  
18 expansion of agricultural crop land, the mining of top soil, peat, sand,  
19 gravel or similar material from wetlands or watercourses for the  
20 purposes of sale;

21 (2) A residential home [(i)] (A) for which a building permit has been  
22 issued, or [(ii)] (B) on a subdivision lot, provided the permit has been  
23 issued or the subdivision has been approved by a municipal planning,  
24 zoning or planning and zoning commission as of the effective date of  
25 promulgation of the municipal regulations pursuant to subsection (b)  
26 of section 22a-42a or as of July 1, 1974, whichever is earlier, and further  
27 provided no residential home shall be permitted as of right pursuant  
28 to this subdivision unless the permit was obtained on or before July 1,  
29 1987;

30 (3) Boat anchorage or mooring;

31 (4) Uses incidental to the enjoyment and maintenance of residential  
32 property, such property defined as equal to or smaller than the largest  
33 minimum residential lot site permitted anywhere in the municipality,  
34 provided in any town, where there are no zoning regulations  
35 establishing minimum residential lot sites, the largest minimum lot site  
36 shall be two acres. Such incidental uses shall include maintenance of  
37 existing structures and landscaping but shall not include removal or  
38 deposition of significant amounts of material from or onto a wetland  
39 or watercourse or diversion or alteration of a watercourse;

40 (5) Construction and operation, by water companies as defined in  
41 section 16-1 or by municipal water supply systems as provided for in  
42 chapter 102, of dams, reservoirs and other facilities necessary to the  
43 impounding, storage and withdrawal of water in connection with  
44 public water supplies except as provided in sections 22a-401 and 22a-  
45 403; and

46       (6) Maintenance relating to any drainage pipe which existed before  
47       the effective date of any municipal regulations adopted pursuant to  
48       section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe  
49       is on property which is zoned as residential but which does not  
50       contain hydrophytic vegetation. For purposes of this subdivision,  
51       "maintenance" means the removal of accumulated leaves, soil, and  
52       other debris whether by hand or machine, while the pipe remains in  
53       place."